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**PACIFIC  TELESIS.**  
Group - Washington

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FEDERAL COMMUNICATIONS COMMISSION  
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**October 5, 1992**

**Donna R. Searcy**  
Secretary  
Federal Communications Commission  
Mail Stop 1170  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

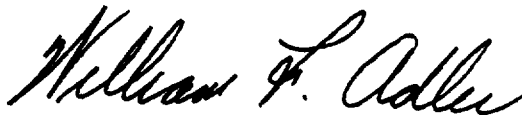
**Dear Ms Searcy:**

**Re: CC Docket No. 92-115 - Revision of Part 22 of the Commission's Rules Governing  
the Public Mobile Services**

On behalf of Pacific Bell and Nevada Bell, please find enclosed an original and six  
copies of their "Comments" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me  
should you have any questions or require additional information concerning this matter.

Sincerely,



**Enclosures**

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List A B C D E

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
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Revision of Part 22 of the )  
Commission's Rules Governing )  
the Public Mobile Services )  
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CC Dkt. No. 92-115

COMMENTS OF PACIFIC BELL AND NEVADA BELL

Pacific Bell and Nevada Bell ("the Pacific Companies") submit their comments on the proposed revision of Part 22, Public Mobile Services, as established by the Notice of Proposed Rulemaking in the above captioned proceeding.<sup>1</sup> The Pacific Companies are engaged in activities governed by Part 22 of the Commission's rules such as IMTS, paging and rural radio service.

The Pacific Companies commend the Commission's efforts to revise the Part 22 rules in order to make the rules easier to understand, to eliminate outdated rules and unnecessary information collection requirements, to streamline licensing procedures and to allow licensees greater flexibility in providing service to the public.<sup>2</sup> The proposed revisions, for

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<sup>1</sup> Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, CC Docket No. 92-115, Notice of Proposed Rulemaking, released June 12, 1992, ("NPRM").

<sup>2</sup> NPRM, para. 1.

the most part, accomplish the Commission's goals and the Pacific Companies support the overwhelming majority of the proposed revisions. Therefore, the Pacific Companies limit their discussion of those sections which they support to those which are the most significant to their activities; provide suggestions for certain proposed revisions; and object to those few proposed revisions that are not workable for the Part 22 services in which the Pacific Companies participate.

I. COMMENTS IN SUPPORT.

1. Section 22.105 (Written applications, standard forms, microfiche, magnetic disks) -- The proposed rule requires standard form applications (exhibits and attachments) and associated filings to be filed in microfiche form. The proposed rule also permits applicants to submit the technical and administrative data contained in their applications on standard magnetic disks. The Commission's proposals are made in the interest of storage and administrative convenience. The Pacific Companies are very enthusiastic about the possibility of eventually providing all required information by magnetic disk because of the advantages to both the Commission and to filers in reducing the administrative burden of microfiche form

filings.<sup>3</sup> We encourage the Commission to require a very rapid transition from microfiche to a digital data medium. Digital data filings will be faster and will likely be a less expensive method of filing than microfiche.

2. Section 22.121 (Repetitious, inconsistent or conflicting applications) -- The proposed rule provides that where an authorization is automatically terminated for failure to commence service, the Commission will not consider a later filed application by the same party for authorization to operate a station on the same channel in the same geographical area until one year after the date the authorization is terminated. The Pacific Companies support the proposed rule with the understanding, however, that the rule will not prevent a licensee from returning its license to the Commission without prejudice prior to the expiration of the one-year construction period. In that case, a later filed application by the same party should not be subject to the one-year hiatus.

3. Section 22.537 (Technical channel assignment criteria; one-way paging) -- The Pacific Companies agree with the direction

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<sup>3</sup> The Commission recognizes the advantages of data provided in magnetic form as shown by its proposal that certain technical information be submitted by magnetic medium. Amendment of Parts 21, 22, 23 and 25 of the Commission's Rules to Require Reporting of Station Frequency and Technical Parameters for Registration by the Commission with the International Frequency Registration Board, C.C. Docket No. 92-160, Notice of Proposed Rulemaking, released July 30, 1992.

of the Commission's revisions. More accurate methods are available to forecast interference than the Carey method. This is particularly true in the case of the Rural Radio Service and BETRS, where highly sophisticated modulation techniques are employed to improve spectral efficiency.

4. Section 22.567(b) (Technical channel assignment criteria) -- The Pacific Companies heartily endorse the Commission's position that for one-way or two-way mobile operations, fixed receivers on the mobile channels must be protected from interference from base or fixed transmitters using those channels. All fixed receivers on two-way systems should be protected from interference from any source within the licensed coverage area of the base or fixed transmitter(s).

5. Section 22.575 (Use of mobile channel for control transmitter) -- The Pacific Companies share the Commission's concern about the potential for interference from a high omni-directional antenna driven by high-power transmitter transmitting subscriber traffic to multiple base station sites continuously around the clock. There is continued need to assure that mobile receivers within the footprint of base or fixed transmitters receive continued protection from interference.

6. Section 22.757 (Channels for basic exchange telephone radio systems) -- The NPRM proposes to remove the channel groups in the 816-865 MHz for BETRS if no locations are available or no demand

exists for BETRS on these channels. The Pacific Companies accept the Commission's revision because at present, there is no practical way to protect typically low powered transmitters used in the BETRS service from much higher powered co-primary services. Harmful interference can occur to BETRS systems from as far as 200 miles away. If the Commission believes that Rural Radio (including BETRS) service is of value to rural customers, it must set aside a small, but separate, group of frequencies to protect the continued viability of the service.

## II. SUGGESTED REVISIONS FOR PROPOSED SECTIONS.

1. Section 22.142 (Commencement of service; notification requirement) -- The proposed rule requires that stations must be constructed and providing service to the public by the end of the construction period or the licensee's authorization will be automatically terminated. The Pacific Companies support this revision and suggest the Commission clarify "service to the public" to mean that the system must have a specified minimum number of non-affiliated revenue-producing customers.

2. Section 22.129 (Agreements to dismiss applications, amendments or petitions to deny) -- The Pacific Companies support the proposed rules which are intended to prevent speculation for authorizations by requiring Commission approval to withdraw a public mobile service facility application that is mutually exclusive with one or more other applications. Similarly, the proposed rule limits settlement payments made in exchange for

withdrawing petitions to deny filed in initial licensing, modification and assignment proceedings. The proposed rule will also limit any monetary consideration for withdrawing an application or a petition to deny to the legitimate and prudent expenses of the withdrawing applicant or expenses in prosecuting the petition. The Pacific Companies suggest, however, that in order to avoid the potential for delaying settlements, Commission approval should be deemed granted unless expressly denied within thirty days of the filing for Commission approval.

3. Section 22.145 (Renewal application procedures) -- The Pacific Companies support the proposed revision which eliminates the gap between license expiration date and permissible renewal application date and eliminates the ability of a licensee to file reinstatement applications after its authorization expires. In addition, the Pacific Companies recommend that the Commission permit bulk renewals with the filing of a minimum of information, similar to what the Commission's rules permit for bulk license renewals of Part 21 licenses (e.g., call sign, station location, public notice number.)

4. Section 22.535 (Effective radiated power limits) -- The Commission requests comments on what limits should govern the Rural Radio Service (including BETRS) and whether power limits should be expressed in dBW or in the alternative, as a fixed percentage. First, the Commission should clarify what it means by power limits which could either mean power output or a power

range. If power output is what is meant, the Pacific Companies recommend that the limit be expressed as a fixed percentage. The maximum recommended power for BETRS is 5 watts.

### III. SPECIFIC SECTIONS OPPOSED BY THE PACIFIC COMPANIES.

1. Section 22.147 (Authorization conditions) -- the Pacific Companies have serious concerns about the proposed rule that permits the Commission, without a hearing, to suspend operations at a location that is causing interference (in the Paging and Radiotelephone and Rural Radiotelephone services) as a result of an omission or error in the required technical exhibits of the application. The Commission's requirement that licensees self-certify proper engineering is laudable because it can reduce application processing time and effort by the Commission. However, suspension without a hearing is too severe. Interference can occur even with careful planning and engineering. Carriers should not be foreclosed from operations without some opportunity to resolve the interference. The Pacific Companies propose that there should be some flexibility to accommodate inadvertent interference that may occur because of unique circumstances. For example, upon prompt notice of interference, new systems (i.e., those that have not been activated for more than 90 days) should be permitted to reengineer the system. If interference continues, the parties should be permitted to work with the Commission's field staff to solve the interference.



2. Section 22.569 (Additional mobile channel policies) -- The proposed rule replaces present traffic loading requirements and proposes as a general policy to limit assignment of no more than two channels in an area to a carrier in an application cycle. The Pacific Companies believe this policy is disadvantageous to the Rural Radiotelephone service, particularly BETRS, in that more than two channels are frequently needed for the initial authorization and more than two channels may be required for additional growth. While the limitation to two channels may be workable for other services, this rule is too inflexible for BETRS. Although the Pacific Companies can agree with the elimination of traffic loading studies for applications for one or two channels, the Pacific Companies propose that the proposed rule be revised to permit the two channel rule only in the

absence of a persuasive loading study which clearly establishes  
an immediate need for more than two channels.

Respectfully submitted,

PACIFIC BELL  
NEVADA BELL

*Lucille M. Mates*

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Date: October 5, 1992